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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twentieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 May 1999, at 10 a.m.

Chairperson: Mrs. BONOAN-DANDAN

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/2000/SR.13/Add.1.

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 8) (continued)

Third periodic report of Denmark (E/1994/104/Add.15) (list of issues (E/C.12/Q/DEN/1); written replies by the Government of Denmark (HR/CESCR/NONE/1999/3)) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Denmark resumed their places at the Committee table.

2. The CHAIRPERSON invited the Committee to continue its consideration of the third periodic report of Denmark.

3. Mr. RIEDEL, returning to the question of self-determination for Greenland and the Faroe Islands, said that the system established by Denmark appeared to be exemplary in many ways. He would like to know more about the process of "Greenlandization" referred to in paragraph 16 of the report, and about the consultation and decision-making procedures followed in formulating foreign policy. Moreover, given the conflicts to which the issue gave rise worldwide, it would be useful for Denmark to explain, in the light of its experience in recent years, whether Home Rule had sui generis legal status or whether it was comparable to other forms of autonomy.

4. Mr. SADI asked how Denmark envisaged its future relations with Greenland and the Faroe Islands. For instance, did it plan to strengthen links among those three territories or hold a referendum on that or similar issues?

5. The CHAIRPERSON invited the Danish delegation to reply first of all to Committee members' questions on Home Rule in Greenland.

6. Mr. MØLLER LYBERTH (Denmark) said that in 1998 the Greenland Parliament had decided to merge eight constituencies into a single national constituency in order to give the population a sense of belonging to one nation. On the occasion of the first national elections, political parties had raised the question of independence, considering that Greenlanders' interests were poorly served by the Danish authorities. The elected Parliament intended to set up a foreign affairs and security policy commission to study relations with Denmark. One plan was to renegotiate the defence agreement concluded between Denmark and the United States. The commission would also reflect on the need to review certain domestic laws if Denmark were to enact a new Constitution.

7. To the question concerning "Greenlandization", he replied that measures to protect Greenland's language and culture had been in place for some years. Accordingly, Parliament had amended certain laws to ensure that the inhabitants' right to use their mother tongue in their dealings with the public administration was respected. A language secretariat had been set up, as

had a centre that provided education and training in Greenlandic and foreign languages. The authorities were also doing their utmost to revitalize the Greenlandic language and culture, in cooperation with the Inuit of Alaska, Canada and Russia.

8. The Home Rule Act conferred on the Danish Realm the right to attend to Greenland's international affairs. However, treaties concluded by Denmark must be submitted to the local authorities, who decided whether or not to approve them. The Prime Minister of Greenland, who reported to the Greenland Parliament on international affairs, was currently negotiating the fisheries issue with the European Union. He maintained excellent relations with the Danish Government, especially with the Minister for Foreign Affairs.

9. Mr. LEHMANN (Denmark) explained that the Home Rule Act vested decision-making power for international affairs in the Danish national authorities. However, in practice, they maintained constant dialogue with the Greenland Government. Hence, a delegation on which Danes and Greenlanders were represented on an equal footing conducted negotiations with Greenland's neighbours for the demarcation of fishing zones. The Danish Minister for Foreign Affairs served only as an adviser in similar negotiations conducted by the Faroe Islands. There were no plans for a referendum on the full independence of the two territories. The intention was, rather, to improve the existing system within the framework of their extremely amicable relations. In that regard, he stressed that, in the Commission on Human Rights, Greenland and Denmark cooperated closely on the matter of the rights of indigenous peoples.

10. The CHAIRPERSON invited the Danish delegation to reply to the other questions on the list of issues raised by Committee members at previous meetings.

11. Ms. RASMUSSEN (Denmark), replying to questions concerning Danish labour-market policy, explained, first, that child labour regulations complied with European Union Directives. She wished to dispel a misunderstanding about the number of children allegedly working in bars, pointing out that alcohol was not served in those establishments. That domain was totally regulated. A case in point was that young people over 15 could not work more than 22 hours in restaurants, hotels or similar establishments. As to professional equality between men and women - wage levels and access to positions of responsibility - Denmark had enacted a veritable arsenal of legislation: the Act on equal opportunities for men and women; the Act on equal pay; the Act on equal treatment of men and women regarding access to employment; and the Act on equality of men and women in appointment to public committees, whereby any organization seeking to be represented on a committee was required to submit the candidature of one man and one woman. Further information on that question was also available in the fourth periodic report of Denmark on implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/DEN/4). It should also be pointed out that Denmark had one of the highest proportions of working women in Europe, which contributed to their economic independence. Nonetheless, certain sectors of the Danish labour market were still male-dominated, while others were largely the preserve of women, which partly explained wage disparities. Denmark came a close second to Sweden in that respect. It was also worth noting that Danish labour legislation prohibited the dismissal of pregnant women; should dismissal occur, it was always incumbent upon the employer to justify the decision, and the dismissed employee was entitled to compensation equivalent to six months' wages. Concerning women's

access to positions of responsibility, the percentage of women elected to the Danish Parliament - 37 per cent in the March 1998 elections - was one of the highest in the world. The proportion of senior women executives in the private and public sectors was 15 per cent, and that of middle-level executives was 23 per cent. That having being said, progress was still slow, partly for cultural reasons. However, attitudes were changing and the situation was gradually improving. As to Denmark's ratification of ILO Conventions Nos. 97 and 143 (migrant workers), the committee responsible for studying the matter at the end of the 1970s had issued an unfavourable opinion, but the Danish Government was currently looking again at the possibility of ratifying those two conventions.

12. Mr. BRANDSTRUP (Denmark) said his country imposed no restrictions on foreigners' access to certain professions. The general rule was that the right to work was linked to the procurement of a residence permit. As in other countries, restrictions were placed on access to the civil service and certain jobs connected with defence or national security for which Danish citizenship was a requirement. In conclusion, all ministries had recently undertaken to review the provisions falling within their ambit with a view to lifting any unnecessary restrictions. For instance, the taxi-driving profession was no longer subject to any restrictions.

13. Ms. TOFTEGAARD NIELSEN (Denmark), replying to questions concerning "registered partners", explained that in creating that category of couple, the Danish Government's intention had not been to institute a new type of family, but to guarantee homosexual couples the same rights as married couples, so as to avoid any discrimination based on sexual proclivity. She confirmed that there were currently no plans to enable "registered partners" to adopt children. The aim of the bill currently before Parliament was simply to allow one of the partners to adopt the children of the other. As to Denmark's drug policy, illicit possession of or traffic in any drugs was strictly prohibited both by a specific law and by the Penal Code. Sentences for drug trafficking were quite heavy, ranging from 5 to 10 years' imprisonment. A special police brigade was exclusively responsible for investigations in that area and cooperated with police forces in other countries in the effort to wipe out the drug traffic.

14. Mr. LEHMANN (Denmark) said the statistics and information sought on HIV/AIDS, psychiatric care, developments in health spending, and health and housing indicators would shortly be supplied in writing. He referred Committee members to annex 7 for statistics on single parents living in Denmark. Concerning the suicide rate in Denmark, he said several studies were under way to determine the deep-rooted social and other causes of a phenomenon that caused Denmark some concern. In connection with the remarks contained in paragraphs 210 et seq. of the report on the high incidence of malnutrition among very poor and socially excluded people, the findings of a survey conducted by the Ministry of Health for the period 1995-1998 would be published in the course of 1999 and communicated to the Committee if it so wished.

15. Ms. RASMUSSEN (Denmark), replying to a question from Mr. Hunt relating to patients' rights, said a law had been passed in 1997. She was personally better acquainted with the aspect of the matter relating to the dissemination of medical records. Danish employers were not entitled to request medical information about their employees, unless it was directly linked to their ability to perform their work.

Articles 13 and 14: Right to education

16. Mr. HUNT sought clarification of the last sentence of paragraph 343 of the Danish report, which stated that "in principle it is not up to any government authority but to the parents of the children at the individual private school to check that its performance measures up to the standards of the municipal school". Recalling that under articles 13 (3) and 13 (4) of the International Covenant on Economic, Social and Cultural Rights, private schools must conform to "minimum educational standards", he inquired whether the State controlled private-school syllabuses or whether such control was left entirely to parents.

17. Mr. ANTANOVICH wondered about the functioning of private schools and the level of the education they imparted, since parents had the right to oversee the syllabuses and must therefore agree on their content. At the same time, it was stated in the written reply to question 47 of the list of issues that "if most citizens are to have the possibility to be able to participate in the establishment of a private independent school, it is conditioned by a public subsidy (85%)". Did the remaining 15 per cent come from enrolment fees or from other funding sources? He also wished to know whether the "basic school"mentioned at the end of the written reply referred to primary education and whether special conditions for enrolling in that "basic school" needed to be met in a private school. Further information on the educational level attained by private-school pupils would be welcome. In particular, had any difference in level been noted in either direction with regard to, for instance, university entrance? Concerning education for all, Denmark had furnished statistics on only school success rates. It would be useful to have more information on school drop-out rates; for example, what was the sociological profile of young people who abandoned their studies? What proportion of the school population did they represent? What alternatives were open to them? And what assistance was available to them in finding employment? He also requested more statistics on the relative prominence of continuing education in order to determine, for instance, whether it had gone beyond the experimental stage.

18. Mr. THAPALIA asked whether there was any lifelong education programme for the elderly, whose numbers were steadily rising. Supported by Mrs. JIMÉNEZ BUTRAGUEÑO, he also asked whether they were able to transmit their knowledge and experience to succeeding generations.

19. Mr. GRISSA, noting that Denmark devoted almost 1 per cent of its budget to religious activities, sought clarification of the State's role in religious education. Given the growing heterogeneity of the population, how was the right of minorities to religious education guaranteed and protected?

20. Ms. RASMUSSEN (Denmark) said that all parents had the right to choose the method of education they wished for their children. It was up to parents who enrolled their children in private schools to oversee the education they received there. Interested parents could always approach the central authorities, but there were no inspectors responsible for checking the quality of such education. The State religion was not the only one taught in primary schools. All denominations had the right to establish their own schools.

21. Ms. TOFTEGAARD NIELSEN (Denmark) explained that there were various types of private denominational schools and that they all received State subsidies if they met the requisite conditions. Drop-outs returning to school were placed in special schools where they followed suitable courses, or were offered suitable jobs in private firms subsidized for the purpose.

22. Mr. LEHMANN (Denmark) said that his country assigned great importance to lifelong education and that an intensive education programme designed for the elderly had been in place for many years.

23. Ms. RASMUSSEN (Denmark) pointed out that two organizations, highly representative of older persons, conducted many activities in such fields as gerontological research, support for the weaker members of the elderly population, and assistance to young retirees. They cooperated with other organizations for the elderly throughout Europe.

24. Mr. RIEDEL said that in his view, given the existence of relations between Denmark and Greenland which were founded on frank and forward-looking dialogue that could be instrumental in solving most of the problems that arose between Greenlanders and the Danish authorities, it would be interesting to know whether the current financial arrangements facilitated the establishment of constructive dialogue with the indigenous people of Greenland on the question of their right to self-determination.

25. Furthermore, what were the Danish authorities doing to encourage the production of bilingual textbooks in connection with the Government's policy of promoting bilingualism?

26. Mr. MØLLER LYBERTH (Denmark) explained that Greenlanders wished to live in a bilingual society in which they could speak Greenlandic and Danish. Given the need to promote Greenlandic, the Government was undertaking primary education reform to adapt the indigenous language to the requirements of a constantly evolving international society, including the production of educational materials in Greenlandic. The education authorities had to devote their limited resources to the preparation of textbooks for Greenlanders, the training of bilingual Greenland teachers under a long-term programme, and the promotion of English-language learning for those indigenous inhabitants wishing to participate widely in international life. Lastly, they had to ensure that the indigenous population had access to education in accordance with international educational standards.

27. Mr. LEHMANN (Denmark) added that the Danish Government in no way used subsidies as a negotiating tool with the indigenous populations. They saw them as assistance to the indigenous territories, as to any other region of Denmark, under national or European development cooperation.

Article 15: Right to take part in cultural life

28. Mr. AHMED asked who in Denmark determined cultural policy and what amount of the budget was devoted to culture. Did the country have a programme of talent-spotting and assistance to talented young artists and did the State subsidize theatres, museums, dance companies and major cultural and artistic institutions? In conclusion, did the elderly and young

enjoy privileges that afforded them easier access to high-quality cultural and arts events? Did the State promote the translation of particularly important foreign literary and scientific works into Danish?

29. Mr. MARCHÁN ROMERO asked whether there were ethnic groups other than the Faroese and Inuit living in the Faroe Islands and Greenland, and what measures had been taken to compensate the indigenous inhabitants displaced to make way for the military base at Thule in northern Greenland. Had the House of Culture referred to in the report (para. 484) been built and, if so, had it been inaugurated? Lastly, since film producers and inventors received part of the profit from their works (paras. 367 and 397), in the interests of protecting intellectual property, it would be interesting to know whether museums also paid part of their takings to artists whose works they displayed.

30. Mr. ANTANOVICH said he was astonished to learn that no provision had been made for cultural appropriations in Denmark's budget for 1997. What was the reason for that? As far as Denmark's written reply to question 51 on the list of issues was concerned, he would like the delegation to state whether the purpose of the experimental period during which some regions had free disposal of cultural appropriations formerly managed by the State was to rationalize management methods or to facilitate the inhabitants' participation in cultural life.

31. Regarding the reply to question 52, he would like to know what the authorities were doing to prevent persons not "registered in the Danish National Register" from being exposed to de facto discrimination with regard to book lending by municipal libraries, whether cultural programmes were envisaged for long-established immigrants, whether cultural activities were free for people with low incomes and whether those activities took account of the special characteristics of the various immigrant groups, such as length of time in the country and group size.

32. Mr. WIMER ZAMBRANO noted with satisfaction that Denmark was taking administrative and legal measures to protect Greenlanders. Was it also taking the necessary steps to maintain and develop Greenlandic, including the promotion of university research and the production of Greenlandic dictionaries?

33. Mr. TEXIER inquired whether there was an organ responsible for ensuring that the information in the computerized archives of the national census and civil registers was not used to violate the inhabitants' individual freedoms.

34. Mr. HUNT said he understood that the purpose of the Act on refugee and immigrant integration was to ensure the integration of refugees, notably by distributing them among the host communities. He wondered whether that aim took account of the need to reconcile respect for the principle of integration with cultural diversity. In other words, did Denmark see itself as a monocultural or a multicultural society?

35. Mrs. JIMÉNEZ BUTRAGUEÑO asked whether Denmark encouraged the preservation of ancient crafts rich in cultural content, such as carpet-weaving and pottery, particularly with a view to job creation.

36. Mr. LEHMANN (Denmark) said that cultural appropriations accounted for some 1.5 per cent of the State budget, which in accordance with the general decentralization policy, conferred on the local authorities and agencies broad powers in the cultural domain, while seeking, through subsidies, to facilitate access to culture for all.

37. An evaluation of the experiment referred to in question 51 of the list of issues had shown, among other things, that decentralization was good for local cultural initiatives and helped improve cooperation between the State and the regions. The Government would take due account of those findings with a view to enhancing the inhabitants' participation in cultural life. The State also subsidized cultural events so that the elderly, the young and students could attend them at special prices.

38. Turning to the compensation of the Inuit displaced in 1953 to make way for the American military base at Thule in northern Greenland, he said that the matter had been debated at length in Parliament and would be subject to final review by the High Court, which would hand down its ruling later in 1999.

39. Mr. MØLLER LYBERTH (Denmark) said that the Greenland House of Culture, inaugurated in 1997, could be proud of its outstanding record. Each year its many activities attracted some 120,000 people - three times the population of Greenland. The centre would have a significant impact on the territory's future cultural life, enabling artists and writers to enrich Greenland's cultural heritage. Regarding protection of the Greenlandic language in higher education, the territory had a university at which classes were taught mainly in Greenlandic in two of its four departments. The only pity was that a single one of the university's 14 lecturers was indigenous.

40. Mr. WIMER ZAMBRANO asked whether a Greenlandic dictionary was actually being prepared or whether it was no more than a project.

41. Mr. MØLLER LYBERTH (Denmark) said that was an ongoing process and everything was being done to bring it to a successful conclusion. Started in the mid-1980s, the process used different sources (literature, the press, oral tradition) to collect all the terms, old and new, that illustrated the diversity of the Inuit language.

42. Mr. BRANDSTRUP (Denmark), responding to questions concerning the centralized civil registry (CRS), explained that the main information included in that registry was personal registration number, name, address, place of birth, nationality, religion (solely for fiscal purposes), and family and civil status. There was therefore no question of sensitive material - information on health, racial or ethnic group, political persuasion, police records, etc. - being kept there. Virtually all the information in the CRS, with the notable exception of the personal registration number, could be communicated to a public department, individual or private company. However, anyone could, without the need for justification, ask that information concerning him should be withheld from any physical or legal person. Indeed, disclosure of information contained in the CRS was subject to extremely stringent rules, which were enforced by a committee.

43. Concerning the rules governing the settlement of refugees under the Act on refugee and immigrant integration, he explained that the Danish Government recognized the need to reconcile the integration process with respect for the right of refugees to settle freely in the area of their choice. There was nothing to prevent a refugee from leaving one municipality for another, although it might affect the financial assistance he received. That having been said, if the refugee had good reasons to do so, no financial sanction would be taken against him. However, that rule needed to be reviewed in the context of the dialogue between the Danish Government and the UNHCR authorities. In any event, all the local communities were required to help refugees find housing within three months of their arrival, thus facilitating their integration. He said that Danish society was not defined as multicultural in any legislation, but the reality was that many cultural and ethnic groups lived side by side in the country.

44. Mr. SADI said he was struck by the large share of the budget allocated to social welfare (over 40 per cent). Should not Denmark, like other industrialized countries, review its social welfare system in order to fill existing gaps and prevent abuses?

45. Mr. LEHMANN (Denmark) said that the Danish social welfare system, instituted in the aftermath of the Second World War, had reached the point where the question of its funding was being raised. The figure cited by Mr. Sadi was indeed alarming and was the subject of lively discussion within the country. That being said, the Danes, who paid very high taxes, rightly expected their Government to provide them with a very generous social welfare system.

46. The CHAIRPERSON, noting that the Committee had completed its consideration of Denmark's third periodic report, thanked the Danish delegation for its candour and receptiveness.

47. Mr. LEHMANN (Denmark) commended the constructive spirit that had marked the dialogue between his delegation and the Committee. He promised to provide Committee members with the additional information requested and assured them that their recommendations would be widely disseminated in Denmark.

48. The delegation of Denmark withdrew.

The public part of the meeting rose at 12.35 p.m.